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10/080,310	02/20/2002	James T. Sturdy	H0003208	8188

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Honeywell International Inc.
Law Department
M/S AB2
Morristown, NJ 07962

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/080,310

Applicant(s)

STURDY ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Application Number 10/080,310 received on 13 October 2005.
2. Claims 1-22 are presented for examination.

Claim Objections

Claims 1, 8, 10, 14 are objected to because of the following minor informalities:

3. Claim 1 recites the limitation "between the each data link radio". Examiner will interpret the limitation as "between each data link radio".
4. Claim 8 recites the limitation "for the each available data link radio". Examiner will interpret the limitation as "each available data link radio".
5. Claim 10 recites the limitation "the each end system". Examiner will interpret the limitation as "each end system".
6. Claim 14 recites the limitation "the each message". Examiner will interpret the limitation as "each message".

Appropriate correction is required.

Claim Interpretation

7. Due to the amendments made to the claimed invention, it is the Examiner's opinion that a brief discussion of terms and their interpretations should be provided to clarify Examiner's understanding of the claims.

The term "datalink radio" as defined by Applicant (see Applicant's response, page 10, last paragraph) is a remote wireless device. This definition will be used for the purpose of examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, and 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doviak et al. (U.S. Patent Number 6,418,324).

8. Regarding claims 1, 10, and 22, Doviak disclosed a method of integrating multiple military and civil data link radios, and automatically selecting a data link radio, and then routing a message to the selected data link radio, the method comprising the steps of:

a) providing at least one data link radio from the multiple military and civil data link radios, each data link radio comprising a means to transmit and receive civil and military messages (Doviak, col. 1, line 65 through col. 2, line 13 col. 4, lines 20-25);

b) sending or receiving the message through a physical interface between the each data link radio and a host computer (Doviak, col. 4, line 65 through col. 5, line 3);

c) formatting the message for delivery to the selected data link radio (Doviak, col. 5, lines 25-35, col. 6, lines 1-5); and

d) routing the message to the selected data link radio based on dynamic routing criteria (Doviak, col. 6, lines 5-10, 35-43).

Doviak does not explicitly state repeating steps c) and d) for a next message. However, repeating such steps has no patentable significance since the same outcome is produced. See Duplication of Parts, MPEP 2144.04 VI. D. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to include repeating formatting and routing multiple messages for data link radios to provide the flexibility to users such that a plurality of different remote devices may communicate with the wired host network irrespective of the radio infrastructure and transmission protocol employed (Doviak, col. 4, lines 43-50). Claim 10 includes a method and claim 22 includes an apparatus, both including limitations that are substantially similar to those of claim 1 and therefore claims 10 and 22 are rejected under the same prior art as being substantially similar.

9. Regarding claims 2 and 11, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of translating civil data link radio messages into military data link radio formats and translating military data link radio messages into civil data link radio formats (Doviak, col. 5, lines 25-35, col. 6, lines 1-5).

10. Regarding claims 3 and 12, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of extracting information

from the civil and military messages for use in constructing ad hoc messages (Doviak, col. 6, lines 1-20).

11. Regarding claims 4 and 13, Doviak disclosed the limitations, substantially as claimed, as described in claims 3 and 12. Doviak did not explicitly state wherein the ad hoc messages comprise aeronautical operational control (AOC) messages and air traffic control (ATC) messages.

However, the transportation of data in Doviak does not include any restrictions on the type of data transmitted between devices (Doviak, col. 1, lines 15-37). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate sending AOC and ATC messages using the invention of Doviak in order to provide users with flexibility and ease of use, and to give users of portable devices greater control over their hardware and software design (Doviak, col. 4, lines 44-50).

12. Regarding claims 5 and 18, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including wherein the dynamic routing criteria comprise message priority and message bandwidth (Doviak, col. 35, lines 35-55 and 5-25). Doviak does not explicitly state wherein the dynamic criteria comprise message security, message urgency, and message size. However, Doviak does suggest other metrics to base the criteria on (Doviak, col. 35, lines 40-41). Therefore it would have been obvious to include other criteria such as security, urgency, and size for routing

message for the purpose of providing users with transmission of messages between networks in a more secure and efficient manner, giving users greater control over their hardware and software (Doviak, col. 4, lines 45-51).

13. Regarding claim 6, Doviak disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the step of routing the message to the selected data link radio comprises routing the message to an alternate data link radio if the selected data link radio malfunctions (Doviak, col. 35, lines 56-65).

14. Regarding claims 7 and 19, Doviak disclosed the limitations, substantially as claimed, as described in claims 1 and 10, including the step of determining a number of available data link radios, a type of each available data link radio, and a working status of each available data link radio (Doviak, col. 36, lines 5-45, Fig. 34, Doviak disclosed keeping a database of available networks and their status).

15. Regarding claims 8 and 20, Doviak disclosed the limitations, substantially as claimed, as described in claims 7 and 19, including the step of computing a single communication performance indicator for the each available data link radio (Doviak, col. 36, lines 5-45, Fig. 34, Doviak disclosed keeping network status in a database).

16. Regarding claims 9 and 21, Doviak disclosed the limitations, substantially as claimed, as described in claims 8 and 19, including the step of constructing and

transmitting a communication status message that comprises the computed communication performance indicator (Doviak, Fig 34, 346, col. 37 lines 50-65).

Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doviak in view of Hansen (U.S. Patent Number 6,697,871).

17. Regarding claim 14, Doviak disclosed the limitations, substantially as claimed, as described in claim 12. Doviak does not explicitly state further comprising the step of analyzing the extracted information from the each message to determine trend information over a predefined time period. In an analogous art, Hansen disclosed a distributed-network analyzing console that collects information from a wide source of local area networks (Hansen, col. 5, lines 1-6) in which performance management tools provide for analyzing of network utilization and trends and identifying performance bottlenecks (Hansen, col. 5, lines 39-43). Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to incorporate the teachings of Hansen into Doviak to provide agents in network devices such as hubs, routers, and switches to collect and maintain MIB information in order to provide statistics that enable determination of historical trends (Hansen, col. 1, lines 55-65).

18. Regarding claim 15, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 14, including the step of constructing a trend message (Hansen, col. 5, lines 49-55). See motivation above.

19. Regarding claim 16, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 14, including the step of computing alerts and decision aides from the extracted information based upon predefined criteria (Hansen, col. 5, lines 49-51). See motivation above.

20. Regarding claim 17, Doviak and Hansen disclosed the limitations, substantially as claimed, as described in claim 16 including the step of constructing an alert and decision aide message (Hansen, col. 7, lines 34-35).

Response to Amendment

Applicant's arguments and amendments filed on 13 October 2005 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (i.e., *by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant's arguments with respect to claims 1-22 have been fully considered but they are not persuasive.

Applicant explains that the present invention defines an apparatus and method for transporting data from various end systems on a vehicle and a number of different datalink radios and their associated networks". Applicant then explains that Doviak defines an apparatus and method for transporting data between communication

devices, where the communication devices are defined as a remote wireless device and a wired network (Applicant's Response, page 10, paragraph 2). Then Applicant simply states "these applications are distinctly different". Applicant did not provide any reasons of patentable novelty over Doviak.

Examiner respectfully disagrees. The instant application and the patent used in the rejection both disclose wireless communication of data. The term "datalink radio" as defined by Applicant is a **remote wireless device** (see Applicant's response, page 10, last paragraph). As shown in the above rejection, Doviak disclosed the transfer of data between wireless devices and a host system.

Applicant's arguments include stating what the invention **is not** rather than what it **is** and how it is different from the applied prior art. Further, most of Applicant's explanations of the present invention include limitations that are not present in the claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant states "the Doviak patent does not teach or imply the unique claimed features of the present invention" (See Applicant's Response, page 12, paragraph 2). However, Applicant does not explicitly point out what **claimed features** are not taught.

Applicant only claims a method and apparatus of formatting and routing a message to a selected wireless device. By Doviak providing an apparatus and method for transporting data from a remote, wireless device to a wired network using RF

wireless communication (Doviak, col. 4, lines 60-67), Doviak disclosed the limitations of the independent claims.

In amending the claims, Examiner suggests Applicant to review the referenced patents in Doviak (See Doviak, col. 1, line 48, 65, col. 2, line 61, and col. 3, lines 7, 27, 48) as they are all incorporated by reference. Examiner has provided the references on the references cited page.

Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Doviak clearly taught the independent claims of the Applicant's claimed invention.

Applicant's arguments with respect to claims 1-22 are deemed moot in view of the following new grounds of rejection, necessitated by Applicant's amendment to the claims, which significantly affected the scope thereof.

Furthermore, as it is Applicant's right to continue to claim as broadly as possible their invention, it is also the Examiner's right to continue to interpret the claim language as broadly as possible. It is the Examiner's position that the detailed functionality that allows for Applicant's invention to overcome the prior art used in the rejection, fails to differentiate in detail how these features are unique. As it is extremely well known in the networking art as already shown by Doviak as well as other prior arts of records disclosed wireless communication of data is taught as well as other claimed features of Applicant's invention. By the rejection above, the applicant must submit amendments to

the claims in order to distinguish over the prior art use in the rejection that discloses different features of Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

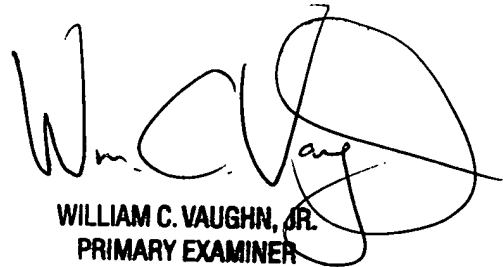
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J. B. D.
Patent Examiner
Art Unit 2143



WILLIAM C. VAUGHN, JR.
PRIMARY EXAMINER